



01/05/05

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<p>Total Number of Pages in This Submission</p>	8	Application Number	09/256,265
	Filing Date		
	First Named Inventor		
	Art Unit		
	Examiner Name		
Attorney Docket Number		0000-0002	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<b>Remarks</b> Renewed Petition under 37 CFR 1.137(b) Drawings - 2 sheets Copy of PTO/SB/64 Petition for Revival -Abandoned Unintentionally Copy of PTOL-85 FEE(S) TRANSMITTAL		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Dah-Bin Kao	Reg. No. 53,092
Signature	<i>Dah-Bin Kao</i>	
Date	January 4, 2005	

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 4, 2005

Typed or printed	Dah-Bin Kao	Date	January 4, 2005
Signature	<i>Dah-Bin Kao</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Kao et al.  
Application No.: 09/256,265  
Page 1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Dah-Bin Kao et al.

Application No.: 09/256,265

Filed: February 23, 1999

For: METHOD AND APPARATUS FOR  
SPLIT GATE SOURCE SIDE  
INJECTION FLASH MEMORY CELL  
AND ARRAY WITH DEDECATED  
ERASE GATES

Examiner: Jose R. Diaz

Art Unit: 2815

Renewed Petition under 37 CFR 1.137(b)

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

In response to the Office of Petitions decision mailed 11/05/2004, please enter the two sheets of formal drawings as required by the Notice of Allowability of April 14, 2004:

**Figure 3:** Label 59 in Fig. 3d was corrected according to the marked-up sheet submitted with the Applicants' amendment submitted 6/13/2003. (This date was mistakenly stated as 6/13/00 in the Notice of Allowability of April 14, 2004.)

**Figure 6:** The left margin has increased to more than 2.5 cm according to the Draftsperson's Patent Drawing Review (PTO-948) attached to Office Action mailed 10/3/2000.

**REMARKS**

This is a request for reconsideration for the Dismissed decision mailed November 05, 2004 on the petition under 37 CFR 1.137(b) filed September 20, 2004 to revive the above-identified application, for lack of corrected formal drawings. The two sheets of corrected formal drawings, as required by the Notice of Allowability of April 14, 2004, are hereby submitted, along with a copy of the above-mentioned petition filed September 20, 2004.

Applicants respectfully request the revival of the application and its prompt issuance. If the Examiner believes a telephone conference would expedite process of this application, please telephone the undersigned at 408-474-1634.

Respectfully submitted,



Dah-Bin Kao  
Reg. No. 53,092

Winbond Electronics Corporation America  
2727 North First Street  
San Jose, California 95134  
Tel: 408-474-1634  
Fax: 408-544-1787

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PTO/SB/64 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
0000-0002

First named inventor: Dah-Bin Kao

Application No.: 09/256,265

Art Unit: 2815

Filed: 02/23/1999

Examiner: DIAZ, JOSE R

Title: METHOD AND APPARATUS FOR SPLIT GATE SOURCE SIDE INJECTION FLASH MEMORY CELL AND ARRAY WITH  
DEDICATED ERASE GATES

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify type of reply):

- has been filed previously on \_\_\_\_\_
- is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 1,330.00.

- has been paid previously on \_\_\_\_\_
- is enclosed herewith.

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 8 4 2005

PTO/SB/64

Terminal Disclaimer Form

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Sept. 20, 2004

Date

Telephone

Number: (408)474-1634

*Dah-Bin Kao*

Signature

Dah-Bin Kao

Typed or printed name

Winbond Electronic Corporation America

Address

Enclosures:  Fee Payment

2727 North First Street, San Jose, CA 94303

Address

 Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: FEES TRANSMITTAL, PTO-2038 Credit Card Payment Form, and Return Postcard

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Sept. 20, 2004

Date

*Dah-Bin Kao*

Signature

Dah-Bin Kao

Type or printed name of person signing certificate